IN THE HIGH COURT OF DELHI AT NEW DELHI

Bail Application No. 494/2007

Krishan Lochan Anand ..... Petitioner
! through: Mr.K.B.Andley, Sr. Advocate with
Mr.M.L.Yadav, Adv.

VERSUS

$ State of Delhi ..... Respondent
^ through: Mr.Jaideep Malik, Adv.

% **D**ATE OF DECISION: 08-10-2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment? Y

2. To be referred to the Reporter or not? Y

3. Whether judgment should be reported in Digest? Y

: PRADEEP NANDRAJOG, J.

FIR No.1173/2005 dated 20.11.2005
U/S. 498-A/304-B/34 IPC
P.S. Saraswati Vihar

1. Petitioner Krishan Lochan Anand is the father-in-law of Daljeet Kaur who was married to his son Karan Anand on 22.1.2004. Daljeet died on 20.11.2005. FIR was registered on the basis of statement of Gursharan Singh, brother of Daljeet, who informed that his sister was married with Karan Anand on 22.1.2004 and that soon after the marriage her mother-in-law, father-in-law and husband started troubling his sister on account of bringing less dowry. That his sister wrote 3 letters on 2.3.2004,

23.4.2004 and 2.5.2004 to his other sister mentioning cruelty and misbehaviour of her in laws. He further stated that yesterday night, at around 8 PM his deceased sister had a telephonic conversation with his other sister. That his deceased sister was weeping and informed her sister that her mother-in-law was saying that the Indica car which was given at the time of marriage was below the status of their family. They wanted a Honda City car. That when his sister was married, a fridge was not given to her. Whenever his sister used the family fridge she was taunted to bring a new fridge. That in the morning, at 7 AM, he received a telephone call informing that his sister was injured and was removed to Jaipur Golden Hospital. He reached the hospital and learnt that his sister was brought dead.

2. I may refer to the 3 letters dated 2.3.2004, 23.4.2004 and 2.5.2004 written by the deceased to her sister. They read as under :-

> 'Hello Didi,
>
> How are you, I am fine here. Didi, do not discuss about this letter with mummy or brother. I was trying to state to you something since many days, Didi I could not even talk with you on phone because Karan's mother used to sit in front of me whenever I tried to make call to you and used to make quarry why are you calling and what are you willing to talk. Didi, Karan's mummy used to taunt me since last several days, sometimes she used to say that your parents has given less dowries. All this reduction has been done in giving gold tops and that the tops given are of less weight. Sometimes says that your suits

are not good or that your parents had given Kara of less weight to Karan. When I told her that my parents have given everything according to their status only then she kept quite. But Didi, now-a-days she used to scold me on each and every petty matters. That day it crossed all limits soaps of my bathroom misplaced and my mother in law, in the presence of all the family members treated me like a thief and asked my scolding where the soap is. Didi really I don't know where-about the soap has gone my younger brother-in-law (Devar) also used to visit my bathroom. My mother-in-law asked her sons as a formality but kept on treating me like a thief for 4-5 days.

Didi, I was not willing to tell all these things but now-a-days it has become un-tolerable. My mother-in-law used to mentally torture me on same matter. Now-a-days she used to keep away Karan from me. Until and unless his mother does not allow him, he did not take me out. Didi about two months of my marriage has been completed and they have changed. Now they did not talk to me properly as earlier. My Father-in-law always remains cold towards me and my mother-in-law used to scold me on every issue.

Your younger sister
Sd/-
Daljeet

x x x x

'Didi, I am very tense today, I do not know, I will be alive or not when you will receive this letter. Didi in the month of February, Kaan had applied for Qatar Airways and had shown himself unmarried in the said form. At that time I did not object but yesterday Karan received offer for job. In that there is a specific condition that Karan will not return prior to expiry of a period of one year. I asked him what will happen to me. On this my mother-in-law stated that after one year Karan will perform court marriage with me and took me there. When I objected for the same, my Father-in-law scolded me very loudly and further stated that they will send him at any cost. My father-in-law further stated that your parents had given car on finance, from where we will arrange installments

that either your parents should give installments or Karan will go abroad and I will remain here. My Father-in-law insulted and threatened me and stated that your mother-father had not given anything to us, at the time of Saga we had asked for 21000/- from your parents but your parents had given only Rs.5100/-. My Father-in-law asked me to ask my family to pay monthly installments of car when I refused to ask to my parents, my Father-in-law threatened me for throwing me out of the matrimonial home.

Didi, Karan is showing everywhere himself as Unmarried. Initially I could not understand but now I came to know that my Father-in-law had stated that when all the installments of the car will be completed only then Karan will perform court marriage with me. I do not want to demand anything more from you as I know that you have fulfilled the demands of after taking loans.

Didi, now I cannot tolerate all these, I do not know I can tolerate all these any longer or not. I think that all these tensions will stop itself if, I will do something to my self. I think all of them are willing for the same so that they may re-marry Karan.

Your Younger Sister
Sd/-

x x x x

Hello Didi,

How are you, Did any how I have convinced Karan in respect of Qatar Airlines that first he should perform court marriage with me only then he should go. Did they have taken my consent forcibly for sending out Karan. If I had not consented for it, my Father-in-law had threatened that they will do something wrong with my brother. Didi please do not tell these things to brother, I do not want to persuade that matter any longer. Whenever I try to visit parental home my mother-in-law either refuses flatly or stop me on one pretext or the other. I was even not permitted to go outside the house. I could not even talk with the women of neighbours. She never allowed me to go

> outside house with Karan. Used to send either Kubar or herself accompanied me. They do not allow me to discuss with doctors only used to give normal check up. She used to get all household work done from me and always kept on scolding me.
>
> Whenever I sit to take meal, she intentionally scold me so that I could not take meal properly. Didi, I do not know why she used to scold me despite the fact that I have given my consent for sending Karan abroad.
>
> Yours younger sister
> Sd/-

3. Perusal of the letter dated 2.3.2004 shows that the grievance of the deceased was against her mother-in-law. A passing reference is made to the father-in-law in the concluding sentence of the letter where the deceased wrote that her father-in-law always remained cold towards her.

4. Letter dated 23.4.2004 evidences that the grievance of the deceased was that her husband who had applied for a job at Qatar Airways had shown his status as unmarried. That she learnt about Karan receiving a job offer containing a specific condition that he will not return till after 1 year. That she asked her mother-in-law as to what would happen to her. Her mother-in-law informed her that after 1 year, Karan will perform court marriage and take her along. That when she protested, her father-in-law scolded her and told her that if she did not want her husband to go abroad, she should bring finances from her parents. That her father-in-law demanded that her parents

should pay the monthly installments for the car. Further grievance was that her husband was not accepting in public that they were married.

5. The third letter dated 2.5.2004 evidences that the deceased informed her sister that she had convinced her husband and get the marriage registered and only then go abroad. That she was not being allowed to leave the house. That she was being made to do household chores.

6. No letter has been addressed by the deceased to her sister after 2.5.2004.

7. It may be noted that Karan i.e. husband of the deceased did not go abroad.

8. From the letters written by the deceased to her sister, it is apparent that she was disturbed on account of her husband likely to take up a job at Qatar and not returning back for one year and she being left in the house of the in-laws where everybody was either hostile or cold towards her. Further, she sorted out the issue with her husband pertaining to registration of the marriage, but was still apprehensive of her future.

9. The issue of registration of the marriage assumed significance for only then could the deceased proceed along with her husband to Qatar.

10. The whole issue would have become a non-issue for

the reason the husband did not proceed to Qatar.

11. What happened between May, 2004 and 20th November, 2005, i.e. one year and six months is not documented.

12. During this period, the deceased gave birth to a baby boy.

13. It was urged by learned counsel for the petitioner that the young bride was apprehensive of the departure of her husband and was probably feeling unwanted in the house of the in-laws, but this was only during the initial months of the marriage. With the husband not going abroad, the issue died down. With reference to the MLC of the deceased and the post mortem report counsel urged that greater and probable cause of the death was an accidental fall from the roof of the house and not a suicidal jump.

14. With reference to the post mortem report, counsel pointed out that there were fractures on the occipital region vertebral bone at C4 and C5 Level, Lumber Vertebral disc at L2, L3 and L5 level, and 2nd 3rd 4th and 5th ribs were fractured.

15. Learned counsel submitted that the nature of injuries show that the deceased hit the ground on the posterior side which was possible only in case of an accidental fall. Further, there were bruises all over the body indicating that when the deceased fell, her body brushed past the wall. Counsel submitted

that in case of a suicide, the deceased would have jumped from the parapet of the roof and the trajectory would have taken the body away from the wall of the building, meaning thereby, there would be absence of bruise marks on the body. Counsel pointed out that in the post mortem report, it was recorded that there were bruises all over the body.

16. Learned counsel for the State opposed the application for bail and stated that if not first, the second and the third letters written by the deceased clearly inculpated the father-in-law. Counsel further submitted that the brother of the deceased categorically informed the police in his contemporaneous statement recorded on the day when the deceased died, that the night before his deceased sister had rung up his other sister and told her that her mother-in-law had again taunted her with reference to not bringing in dowry a Honda City car and that the said taunt was repeated by the father-in-law.

17. Before considering the rival submissions it may be noted that husband of Daljeet Kaur i.e. the deceased has been admitted to bail vide order dated 6.11.2006 with a specific finding that the 3 letters do not ascribe incidents of cruelty or harassment qua the husband and that the allegations pertained to the mother-in-law and father-in-law.

18. Thus, petitioner cannot draw comfort from the order

releasing his son on bail. On the contrary, said order prima facie records that the mother-in-law and father-in-law of the deceased appeared to be the main culprits.

19. Petitioner is in judicial custody since 20.11.2005. He has been in judicial custody for nearly 1 year and 10 months.

20. In the treaties on 'Forensic Medicine and Toxicology' by J.B.Mukherjee, with reference to spinal injuries, at page 371 learned author has opined as under :-

> "Injuries to the spine and spinal cord are usually accidental, occasionally homicidal and rarely suicidal. These injuries have medico legal significance in both criminal and civil cases."

21. Spinal injuries suffered by Daljeet Kaur have been noted by me with reference to the submissions made by learned counsel for the petitioner in para 14 above.

22. As per forensic science, spinal injuries are usually accidental, occasionally they may be homicidal and rarely suicidal.

23. Though spinal injuries may result even in a suicidal jump but falling in the category of being rare it assumes significance that the deceased had bruise marks over the body. This means that when the deceased was having a free fall, the body brushed against an object.

24. Prima facie, when a person commits suicide by jumping from the roof of a building, the jump would give a

trajectory to the body which would take it away from the wall of the building, meaning thereby, there would be no bruise marks. But where a person accidentally falls over the roof, the body tumbles down perpendicular along the wall and there is greater likelihood of the body brushing against the wall resulting in the body suffering bruises.

25. I do not intend to discuss the issue any further lest trial is prejudiced. I note that expert evidence has yet to be led by the prosecution.

26. I find the following circumstances which in my opinion lean in favour of granting bail to the petitioner. Firstly, the role assigned in the letters written by the deceased to her sister qua the petitioner is more in the nature of being a passive spectator and not an active participant. The second circumstance I find is that after May, 2004 no letter has been written by the deceased. The trauma which is evidencing in the letters is of the husband proceeding to Qatar for one year and not taking along with him the young bride; the young bride being troubled by the mother-in-law for dowry; the young bride being apprehensive of her future. The principal apprehension dissipated as the husband did not proceed to Qatar. The next circumstance which I find are the prima facie nature of injuries which if not ruling out suicide are equally likely to be the result of an accidental fall. Therefore the

issue is not free from doubt. The last circumstance I find is of continued judicial custody of the petitioner for nearly 1 year and 10 months and the trial not likely to conclude in the near future.

27. I dispose of the petition directing learned Trial Judge to release the petitioner on bail in afore-noted FIR on the petitioner furnishing a personal bond in sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the learned Trial Judge.

28. Copy of this order be supplied dasti to learned counsel for the petitioner on payment of usual charges.

October 08, 2007
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PRADEEP NANDRAJOG
JUDGE